

REMARKS

Claims 1-40 were presented in the original application. . In response to the Restriction as Applicant elects Group 1 claims without traverse. Claims 18 and 20 of non-elected Group II have been canceled in this Election and Reply without prejudice.

RESTRICTION

In the Restriction Requirement dated April 8, 2008, the Examiner alleged that the pending claims encompass two patentably distinct groups of Inventions:

- I. Claims 1-17, 19, and 21-40 drawn to a live attenuated derivative of a pathogenic *Salmonella* species consisting essentially of (a) a means for regulatable expression of a gene that encodes a regulatory protein, wherein non-expression of said regulatory protein in vivo causes synthesis of a first antigen that is conserved among *Salmonella* species and *E. coli* strains; and (b) a means for regulatable synthesis of a first carbohydrate antigen, wherein said first carbohydrate antigen ceases to be synthesized in vivo, exposing a second carbohydrate antigen that is conserved among *Salmonella* species and *E. coli* strains; wherein said attenuated derivative has enhanced ability to induce cross-protective immunity against *Salmonella* species and *E. coli* strains, a method for inducing, a vaccine, a recombinant bacterial strain, and a live attenuated derivative of a pathogenic Enterobacteriaceae species.
- II. Claims 18 and 20 drawn to a live attenuated derivative of a pathogenic *Salmonella* species consisting essentially of (a) a means for regulatable expression of a first surface antigen, wherein said first surface antigen is conserved among *Salmonella* species and *E. coli* strains; and (b) a means for regulatable expression of a second surface antigen, wherein said second surface antigen is not conserved among *Salmonella* species and *E. coli* strains, wherein up regulation of said first surface antigen and down regulation of said second surface antigen results in enhanced ability of said attenuated derivative to produce immunity against *Salmonella* species and *E. coli* strains and a method for inducing.

Applicants hereby elect without traverse the Group I invention, which is drawn to a live attenuated derivative of a pathogenic *Salmonella* species consisting essentially of (a) a means for regulatable expression of a gene that encodes a regulatory protein, wherein non-expression of said regulatory protein in vivo causes synthesis of a first antigen that is conserved among *Salmonella* species and *E. coli* strains; and (b) a means for regulatable synthesis of a first carbohydrate antigen, wherein said first carbohydrate antigen ceases to be synthesized in vivo, exposing a second carbohydrate antigen that is conserved among *Salmonella* species and *E. coli* strains; wherein said attenuated derivative has enhanced ability to induce cross-protective immunity against *Salmonella* species and *E. coli* strains, a method for inducing, a vaccine, a recombinant bacterial strain, and a live attenuated derivative of a pathogenic Enterobacteriaceae species. Applicants identify claims 1-17, 19, and 21-40 as the claims corresponding to this election. In electing the Group I invention, Applicants reserve the right to pursue claims directed to the Group II invention in subsequent divisional or continuation patent applications.

CONCLUSION

It is not believed that extensions of time are required beyond those which may otherwise be provided for in this filing. In the event however that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account 20-0823.

The Examiner is encouraged to contact the undersigned via telephone at the number provided, if it is determined that personal communication will expedite prosecution of this application.

Respectfully submitted



Charles P. Romano, Reg. No. 56,991

Thompson Coburn LLP

One US Bank Plaza

St. Louis, MO 63101-1693

(314) 552-6255

(314) 552-7255 (fax)

Attorney for Applicants

Dated: May 7, 2008